(1)
Supreme Court, U.S.
FILED
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No.

In the Supreme Court of the United States

Edward H. Flint

Petitioner

v.

A.C. McKay Chauvin

Respondent

On Petition for a Writ of Certiorari to the Court of Appeals for the Sixth Court

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1- Does the ruling by the United States Supreme Court in **Stump v Sparkman 435 U.S. 349, 357 (1978)** eliminate the requirement that a judge has to obey all court rules and state laws, on any decisions they make .

2- What are the limits and meanings of **"normal functions"** and **"clear absence of all jurisdiction** in granting immunity to a judge as used in the Judgment issued by the United State Supreme Court in **Stump v Sparkman 435 U.S. 349, 357 (1978)**?

3- Is violating of the Kentucky Supreme Court Rules, violating Kentucky Statutes, denying a party Due Process and violating Kentucky's Code of Procedures Rules considered to be a normal function for a judge as stated in **Stump v Sparkman 435 U.S. 349, 357 (1978)**?

4- Was the trial court correct that Respondent was not in **"clear absence of all jurisdictions"**in its rulings, when he violated court rules and statute laws?

5- Was the trial and appeal courts correct when they ruled, a judge has immunity on all decisions a judge makes regardless of the circumstances, which means regardless if court rules and state laws, was violated.

6- Is Chief Judge Roberts correct or wrong when he told the United States Senate that a judge's role is as follows, **"Judges are like umpires. Umpires don't make the rules. They apply them. The role of an umpire and a judge is critical. The make sure everybody plays by the rules. But it is a limited role.**

In the Supreme Court of the United States

NO.____

Edward H. Flint, Petitioner,

v.

A.C. McKay Chauvin , Judge Respondent

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

Edward H. Flint the Petitioner prays, that a Writ of Certiorari issue to review the judgment of the Sixth Circuit Court case No. 10-5695 entered in the above case on November 18, 2010

OPINION BELOW

The judgment of the Sixth Circuit entered on November 18, 2010

JURISDICTION

The jurisdiction of the Supreme Court is invoked under 28 USC 1254

Parties

Edward H. Flint, Petitioner

McKay Chauvin, Judge, Respondents

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STATEMENT OF THE CASE

Procedural history

This action arises out of a complaint filed in Jefferson County Kentucky Circuit Court on October 2007 case No. 07-CI-10558. Petitioner was Pro, Se and was 76 years old. The case was about a flawed election for officers at a Condo Association where Petitioner lived. Petitioner knew based on evidence he had seen, the ballots had been substituted for and when the Board of Directors refuse to response to his letters asking that a meeting be called for a reelection and the Petitioner filed a suit.

Petition was Pro, Se and three judges violated Kentucky Supreme Court's rule regarding the moving and reassigning of cases. The judges by Kentucky Supreme Court Rules could not move the case without a reason, which they didn't have.

Petitioner sued the three judges in Federal District Court. The District Court granted the three judges immunity and dismissed Petitioner case. Petitioner appealed to the Court of Appeals. The Court of Appeals upheld the District Court order dismissing the appeal. Petitioner appealed to this court for Writ of certiorari and this court denied Petitioner certiorari.

Petitioner filed a different case in Jefferson County District Court and the first judge, on the first hearing denied Petitioner every thing he asked for and out of the blue for no reason,(as the tape of the hearing shows), the judge threaten to put Petitioner in jail.

Petitioner requested that the judge recuse themselves from the case and the judge did.

Petitioner sued this judge in Federal Court for terroristize threatening.

The case was assigned to another judge and that judge refused to let Petitioner have any discovery. It became clear that no judge in Jefferson County was going to give Petitioner a fair and honest trial. Petitioner sued that judge in Federal Court.

Petitioner moved the case to Jefferson County Circuit Court. The first judge would not grant Petitioner discovery and Petitioner sued him in Federal Court.

The case was moved to a second judge in Circuit court. This judge refused to give Petition any discovery. Petitioner sued him in Federal court and then asked him to recused him self from the case and he refused to recuse him self.

Petitioner asked all four judges to let him move the case to another county and all four refused.

Petitioner now has the case in the Kentucky Court of Appeals and the Kentucky Supreme Court, regarding the judge recusing him from the case.

The Federal District Court has dismissed all four of Petitioners cases against the judges. The Court of Appeals has the cases on appeal, except this case and one other that Petitioner is asking for a rehearing. On all case where Petitioner has sued judges the District Court has dismiss all cases based on the fact that

regardless of the bases for the suit, judges have absolute immunity. Each judge cited **Stump v Sparkman 435 U.S. 349, 357 (1978)**

The Court of Appeals upholds the District Courts and states that the Supreme Court 1978 ruling has not has not changed nor has the language in Stump v Sparkman been changed or clarified and therefore they have no choice but to grant immunity, regardless of how bad the actions by the judge was.

Arguments

Petitioner argues that the Court of Appeals was not correct when it stated that "Although Flint has not expressly identified which improper actions the judge engaged in," and further stated that "It is clear that Flint challenges the judges ruling in Flint lawsuit against the condominium." The appeals court is wrong in that statement. Flint gave the district court over an inch of pleadings with exhibits, which out lined the facts, where Judge Chauvin **denied Flint all discoveries he had requested, denied him a trial date, which he requested** and Judge Chauvin further stated,**"this case has a long way to go,"** Judge Chauvin **denied Flint the right to move the case to the next county, although there is a Kentucky law that says Flint was entitled to move the case"**. The Appeals court failed to look at the records in the case.

The Appeals court is wrong in their statement that Flint questioned the Stump ruling. What Flint questioned was, does violating Court rules and state laws by a judge meet the ruling of Stump. This is the same question

Flint is asking this Court. The Court of Appeals stated that their ruling was and I quote, **"Finally, although Flint takes issue with the holding in Stump, he does not allege that the case has been overruled by the Supreme Court, and this court is bound by the precedent set forth in that case. Hence, the district court properly concluded that judge Chauvin was entitled to judicial immunity."**

The courts have left no way for a judge to be sued, even if they violate rules and laws.

The reading of Stump v Sparkman shows it was meant by the Supreme Court for a judge to be sued under certain conditions and Petitioner is asking this honorable body to clarify the language in the Stump case, so all parties knows what those conditions are.

Petitioner will quote from Stump, **"a judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority: rather, he will be subject to liability only when he has acted in the clear absence of all jurisdiction."**

Petitioner's interpretation is in 1978 this court wanted to protect with immunity a judge who had made a ruling based up on their best judgment, excluding violating courts rules and laws. If this is the correct interpretation Petitioner believes it is a good ruling. But the court did not mean for it to extent to the point a judge can violate Court rules and laws. To do so take away a party's Due Process to a fair and honest trial.

However courts are interpreting the wording to mean it applies to everything a judge does regardless of what they do.

In Petitioner case the judge violated Kentucky Supreme Court Rules, violated the Due Process Amendment, violated Kentucky rules of civil Procedures and violated Kentucky laws. In addition it is plain that judges across America believe they have immunity from each and everything the say or order or do.

Stump has two phases that should be clarified. The first being"**clear absence of all jurisdiction**"and the second being **"Normal Functions."**

Courts have taken a position that this languge takes in everthing a judge does or says and therefore a judge is granted immunity, regardless if the judges violated rules and laws.

Petitioner argues that no violatation of court rules and any law can be in a judges jurisdiction and such violations can not be the normal function of a judge.

The interpertation by the lower courts are against Cannons Laws and all meanings of them. In really the courts rulings says that every judge in America can do as they please and be granted immunity. Only a clearification of the lanuage in Stump v. Sparkman by this court can America be sure of when a judge steps out of bounds of his duty.

REASONS FOR GRANTING THE WRIT

1. This honorable body should want to see that every citizen of America is granted Due Process.

2. This court should and needs to clarify the meaning of the wording of "Clear Absence of all Jurisdiction and normal functions" as used in Stump v. Sparkman.

3. Only by clarifying Stump v Sparkman will true justice ever exist for everyone in America.

4. Straightening out the question of immunity for judges, which has been raging ever since the ruling was made in 1978, will true confidence be in America, that the justice system is working hard to make sure every American will receive justice in the entire court system, through out America.

5. Petition deserves an opportunity to try his case.

6. If all judges was honest this ruling would not be needed, but like all parts of our society, there are bad eggs in every group.

CONCLUSION

1. The language in Stump v. Sparkman is vague, open for different interpretations and all parties in the justice system need to know their simplified actual meanings.

2. America needs to know in order to remove any doubt. The decision was 5 to 3 with one dissenting vote when this court made its ruling in 1978. A clarification is good for America. When there is no doubt of a court ruling, it's good for America and for justice.

3. Petition has been harmed by the lower courts interpreting. He has 3 other cases that will come to this court unless he gets a clarification.

4. Petitioner asks this honorable body to move this issue forward with a clear interpretation.

5. Unless the court clarifies the meaning of Stump v Sparkman, immunity for judges, the issue will expand as to what a judge can do in their court. There has to be a limit of all judge's actions, at some point in law and this court needs to make sure that all decisions are a correct decision, so everyone is playing the same game, by the same rules.

6. A clear definition gives honest judges, lawyers and average persons a better shot at equal justice.

7. Every honest ethical judge in America would welcome a clarification of the meaning of Stump v. Sparkman.

8. Petitioner deserves justice not heartaches. A clarification of the meaning of Stump v. Sparkman will make the details actual and leave no doubts.

Respectfully submitted,

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